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DOCKET NO. : BELL-0124/01118   **PATENT**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Max L. Musser, Frederick Edwards,
Robert J. Bates and Christopher Drew

Serial No.: Not Yet Assigned   **Group Art Unit: Not Yet Assigned**

Filing Date: Herewith   **Examiner: Not Yet Assigned**

For: SYSTEM AND METHOD FOR AUTOMATED SOFTWARE
DISTRIBUTION IN A FIBER OPTIC NETWORK

EXPRESS MAIL LABEL NO: EL827222042US
DATE OF DEPOSIT: September 28, 2001

Box   ☒ Patent Application

☐ Provisional   ☐ Design

Assistant Commissioner for Patents
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

☒   A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☐ continuation   ☐ divisional   ☐ continuation-in-part of prior application number
___/_____.

☐   A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐   A Design Patent Application (submitted in duplicate).

☒   **Request for Nonpublication.** The invention(s) disclosed in the present application
filed herewith has not and will not be the subject of an application filed in another
country, or under a multilateral international agreement, that requires publication
of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i),
Applicant(s) request that the above-identified patent application not be published.

Including the following:

☐   Provisional Application Cover Sheet.

☒   New or Revised Specification, including pages __1__ to __27__ containing:

   ☒   Specification

   ☒   Claims

   ☒   Abstract

   ☐   Substitute Specification, including Claims and Abstract.

      ☐   The present application is a continuation application of Application
            No. _____ filed _____. The present application includes the
            Specification of the parent application which has been revised in
            accordance with the amendments filed in the parent application. Since
            none of those amendments incorporate new matter into the parent
            application, the present revised Specification also does not include new
            matter.

      ☐   The present application is a continuation application of Application
            No. _____ filed _____, which in turn is a continuation-in-part of
            Application No. _____ filed _____. The present application
            includes the Specification of the parent application which has been
            revised in accordance with the amendments filed in the parent
            application. Although the amendments in the parent C-I-P application ·
            may have incorporated new matter, since those are the only revisions
            included in the present application, the present application includes no
            new matter in relation to the parent application.

☐   A copy of earlier application Serial No. _____ Filed _____,
      including Specification, Claims and Abstract (pages 1 -   , to which no new matter
      has been added TOGETHER WITH a copy of the executed oath or declaration for
      such earlier application and all drawings and appendices. Such earlier application is
      hereby incorporated into the present application by reference.

☐   Please enter the following amendment to the Specification under the Cross-Reference
      to Related Applications section (or create such a section) : "This Application:
      ☐ is a continuation of ☐ is a divisional of ☐ claims benefit of U.S. provisional
      Application Serial No. _____filed _____
      _____
      _____.

☐   Signed Statement attached deleting inventor(s) named in the prior application.

☐   A Preliminary Amendment.

☒   <u>Four (4)</u> Sheets of Formal Drawings.

     ☐ Drawing view to publish: Figure _____.

☐   Petition to Accept Photographic Drawings.

     ☐   Petition Fee

☒   An ☐ Executed ☒ Unexecuted Declaration or Oath and Power of Attorney.

☐   An Associate Power of Attorney.

☐   An ☐ Executed ☐ Copy of Executed Assignment of the Invention to _____

_____ .

     ☐   A Recordation Form Cover Sheet.

     ☐   Recordation Fee - $40.00.

☐   The prior application is assigned of record to _____

☐   Priority is claimed under 35 U.S.C. § 119 of Patent Application No. _____
filed _____ in _____ (country).

     ☐   A Certified Copy of each of the above applications for which priority is
claimed:

         ☐   is enclosed.

         ☐   has been filed in prior application Serial No. _____ filed _____ .

     ☐   Please enter the following amendment to the first sentence of the specification
(or create such a sentence): "This application claims benefit of international
application No. _____, which was published under PCT Article 21(2)
in English."

☐   Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:

     ☐ an Independent Inventor

     ☐ a Small Business Concern

     ☐ a Nonprofit Organization.

☐   Diskette Containing DNA/Amino Acid Sequence Information.

☐   Statement to Support Submission of DNA/Amino Acid Sequence Information.

☐   Sequence listing consisting of pages _____.

☐   The computer readable form in this application _____, is identical with that filed in Application Serial Number _____, filed _____. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☐ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is ☐ included in the originally-filed specification of the instant application, ☐ included in a separately filed preliminary amendment for incorporation into the specification.

☐   Information Disclosure Statement.

     ☐   Attached Form 1449.

     ☐   Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐   A copy of Petition for Extension of Time as filed in the prior case.

☐   Appended Material as follows: _____ .

☒   Return Receipt Postcard (should be specifically itemized).

☐   Other as follows: _____

_____

_____ .

FEE CALCULATION:

☐   Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

		SMALL ENTITY		NOT SMALL ENTITY	
		RATE	FEE	RATE	FEE
DESIGN APPLICATION		$165.00	$	$330.00	$
UTILITY APPLICATIONS BASE FEE		$370.00	$	$740.00	$ 740.00
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS					
	No. Filed	No. Extra			
TOTAL CLAIMS	20- 20 =	0	$9 each	$	$18 each	$
INDEP. CLAIMS	4- 3 =	1	$42 each	$	$84 each	$ 84.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		$140	$	$280	$
ADDITIONAL FILING FEE			$		$
TOTAL FILING FEE DUE			$		$ 824.00

☒   A Check is enclosed in the amount of $ 824.00   .

☒   The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.

        ☐   The foregoing amount due.

        ☒   Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.

        ☒   Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

☒   The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 7/2 8/01

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